

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

BRIAN JOSEPH GREF,

Plaintiff,

v.

**AMERICAN INTERNATIONAL
INDUSTRIES, *et al.*,**

Defendant.

No. 1:20-cv-005589-GBD

DECLARATION OF NATHAN A. HUFF

I, Nathan A. Huff, pursuant to 28 U.S.C. § 1746, hereby declare as follows:

1. I am a partner at the law firm K&L Gates LLP, attorneys for non-party Northwell Health, Inc. (“Northwell”).

2. I submit this Declaration pursuant to Rule 45(d)(3) of the Federal Rules of Civil Procedure in connection with Northwell’s Motion to Modify the Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action served upon Northwell by Defendant American International Industries (“AII”) (the “AII Subpoena”), as well as Northwell’s Motion to Modify the Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action served upon Northwell by Defendant Whittaker, Clark & Daniels, Inc. (“WCD”) (the “WCD Subpoena”)

3. On or about August 26, 2022, counsel for AII inquired whether I was authorized to accept service of a subpoena on behalf of Northwell.

4. On or about September 1, 2022, after conferring with Northwell, I indicated to counsel for AII that I was authorized to accept service of a subpoena on Northwell’s behalf.

5. On or about September 19, 2022, AII provided me with a subpoena purportedly intended for Northwell. However, on or about September 23, 2022, I responded to counsel for AII and indicated that the subpoena I was provided was not directed to Northwell. On or about September 25, 2022, AII acknowledged the subpoena had been issued in error, and that AII would re-issue a subpoena addressed to Northwell.

6. On or about September 28, 2022, AII served the AII Subpoena on Northwell. While the AII Subpoena is dated September 27, 2022, I did not receive it—and therefore did not accept service of it—until September 28, 2022. A true and correct copy of the AII Subpoena is attached hereto as **Exhibit A**.

7. On information and belief, on or about October 14, 2022, Defendant WCD served the WCD Subpoena on Northwell. While the WCD Subpoena is dated October 13, 2022, on information and belief, Northwell was not served until October 14, 2022. A true and correct copy of the WCD Subpoena is attached hereto as **Exhibit B**.

8. Notwithstanding the response dates in the AII Subpoena and the WCD Subpoena, the parties mutually agreed that Northwell may have until November 4, 2022 to respond.

9. In each of Northwell's memoranda in support of its motions to modify the AII and WCD Subpoenas, Northwell asserts that "Dr. Moline has not voluntarily disclosed the identities of the research subjects" referenced in the peer-reviewed article she co-authored, entitled "Mesothelioma Associated with the Use of Cosmetic Talc" (the "Article") and then cites several examples of cases in which Dr. Moline has refused to provide testimony that would identify the research subjects in the Article. To that end:

- a. A true and correct copy of the Memorandum Opinion and Order in *Bell v. Am. Int'l Indus.*, No. 1:17-cv-00111 (M.D.N.C.) is attached hereto as **Exhibit C**;

- b. A true and correct copy of excerpts from Dr. Moline's trial testimony in *Johnson/Lashley v. Am. Int'l Indus.*, Nos. MID-L-006651-16ASL and MID-L-007336-16AS (N.J. Super. Ct. Law Div.) is attached hereto as **Exhibit D**; and
- c. A true and correct copy of excerpts from Dr. Moline's trial testimony in *Fisher v. Am. Int'l Indus.*, No. 19070087 (Pa. D.&C.) is attached hereto as **Exhibit E**.

10. In each of Northwell's memoranda in support of its motions to modify the AII and WCD Subpoenas, Northwell cites to an affidavit executed by Dr. Moline in a prior case, *Bell v. Am. Int'l Indus.*, No. 1:17-cv-00111 (M.D.N.C.). A true and correct copy of this affidavit is attached hereto as **Exhibit F**.

I declare under penalty of perjury under the laws of the United States of America (28 U.S.C. § 1746) that the foregoing is true and correct.

Executed: November 4, 2022
Morrisville, North Carolina


Nathan A. Huff